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SELECT POETRY.

Civille Bellum.

[From the London Once a Week.]

In this fearful struggle between the North and the South there are hundreds of cases in which fathers were arrayed against sons, and brothers against brothers.—American paper.

"Rifleman, shoot me a fancy shot
Straight at the head of yon prowling vedette;
Ring me a ball in the glittering spot
That shines on his breast like an amulet!"

"Ah, Captain! here goes for a fine drawn head—
There's music around when my barrel's in tune!"
Crack! went the rifle, the messenger sped,
And dead from his horse fell the ranging dragoon.

"Now, Rifleman, steal through the brushes and snatch
From your victim some trinket to handsel first blood—
A button, a loop, or that luminous patch
That gleams in the moon like a diamond stud."

"Oh, Captain! I staggered and sunk on my trek
When I gazed on the face of the fallen vedette.
For he looked so like you, as he laid on his back,
That my heart rose upon me and masters me yet.

"But I snatched off the trinket—this locket of gold,
An inch from the centre my lead broke its way,
Scarce grazing the picture so fair to behold,
Of a beautiful lady in bridal array."

"Ha! Rifleman, fling me the locket, 'tis she,
My brother's young bride—and the fa'len dragoon
Was her husband! Hush, soldier, 'twas Heaven's decree:
We must hury him here by the light of the moon,"

"But hark! the far bugles their warning unite;
War is a virtue—weakness a sin:
There's a lurking and loping around us to night;
Load again, Rifleman; keep your hand in!"

PRESIDENT JOHNSON'S Veto of the CIVIL RIGHTS BILL.

To the Senate of the United States:

I regret that the bill, which has passed both Houses of Congress, entitled "An act to protect all persons in the United States in their civil rights, and furnish the means of their vindication," contains provisions which I cannot approve, consistently with my sense of duty to the whole people, and my obligations to the Constitution of the United States. I am, therefore constrained to return it to the Senate (the House in which it originated) with my objections to its becoming a law.

By the first section of the bill, all persons born in the United States and not subject to any foreign power, excluding Indians not taxed, are declared to be citizens of the United States. This provision comprehends the Chinese of the Pacific States, Indians subject to taxation, the people called gipsies, as well as the entire race designated as blacks, people of color, negroes, mulattoes, and persons of African blood. Every individual of these races, born in the United States, is by the bill made a citizen of the United States. It does not purport to declare or confer any other right of citizenship than federal citizenship; it does not propose to give these classes of persons any status as citizens of States except that which may result from their status as citizs of the United States. The power to confer State citizenship is just as exclusively with the several States as the power to confer the right of federal citizenship is with Congress. The right of federal citizenship thus to be conferred in the several excepted ratios before mentioned is now, for the first time, proposed to be given by law. It, as is claimed by many, all persons who are native born already are, by virtue of the Constitution, citizens of the United States, the passage of the pending bill cannot be necessary to make them such. If, on the other hand, such persons are not citizens, as may be assumed from the proposed legislation to make them such, the grave question presents itself whether, where eleven of the thirty-six States are unrepresented in Congress, it is sound policy to make our entire colored population and all other excepted classes citizens of the United States. Four millions of them have just emerged from slavery into freedom. Can it reasonably be supposed that they possess the requisite qualifications to entitle them to all the privileges and immunities of citizenship of the United States? Have the people of the several States expressed such a conviction? It may also be asked whether it is necessary that they should be declared citizens, in order that they may be secured in the enjoyment of the civil rights proposed to be conferred by the bill? Those rights are by federal as well as by State laws secured to all domiciled aliens and foreigners, even before the competition of the process of naturalization; and it may safely be assumed that the same enactments are sufficient to give like protection and benefits to those for whom this bill provides special legislation. Besides, the policy of the government from its origin to the present time seems to have been that persons who are strangers to, and unfamiliar with our institutions and our laws, should pass through a certain probibition, at the end of which, before attaining the coveted prize, they must give evidence of their fitness to receive and to exercise the rights of citizens as contemplated by the Constitution of the United States. The bill in effect proposes a discrimination against large numbers of intelligent, worthy, and patriotic foreigners, and in favor of the negro, to whom after long years of bondage, the avenues of freedom and intelligence have just now been opened. He must of necessity, from his previous unfortunate condition of servitude, be less informed as to the nature and character of institutions than he who coming from abroad, has to some extent, at least, familiarized himself with the principles of a government, to which he voluntarily intrusts life, liberty and the pursuit of happiness.—Yet it is now proposed by a single legislative enactment to confer the rights of citizens upon all persons of African descent born within the extended limits of the United States, while persons of foreign birth who make our land their home must undergo a probation of five years, and only then become citizens upon proof that they are of good moral character, attached to the Constitution of the United States, and well disposed to the good order and happiness of the same. The first section of the bill also contains an enumeration of the rights to be enjoyed by those classes so made citizens in every State and Territory in the United States. These rights are to make and enforce contracts, to sue, be parties, and give evidence, to inherit, purchase, lease, sell, hold and convey real and personal property, and to have full and equal benefit of all laws and proceedings for the security of persons and property as is enjoyed by white citizens; so, too, they are made subject to the same punishment, pains and penalties, common with white citizens, and to none others. Thus a perfect equality of the white and colored races is attempted to be fixed by federal law, in every State of the Union, over the vast field of State jurisdiction covered by these enumerated rights. In no one of them can any State exercise any power of discrimination between different races. In the exercise of State policy over matters exclusively affecting the people of each State, it has frequently been thought expedient to discriminate between the two races. By the statues of some of the States, North as well as South, it is enacted, for instance, that no white person shall intermarry with a negro or mulatto. Chancellor Kent says, speaking of the blacks that marriage between them and the whites are forbidden in some of the States where slavery does not exist, and they are prohibited in all the slave-holding States by law, and when not absolutely contrary to law, they are revolting, and regarded as an offence against public decorm. I do not say that this bill repeals State laws on the subject of marriage between the two races, for as the whites are forbidden to intermarry with the blacks, the blacks can only make such contracts as the whites themselves are allowed to make, and, therefore cannot under this bill, enter into the marriage contract with the whites. I cite this discrimination, however, as an instance of the State policy, as to discrimination, and to inquire whether, if Congress can abrogate all state laws of discrimination between the two races, in matter of real estate, of suits, and of contracts generally, Congress may not also repeal the State laws as to the contract of marriage between the two races. Hitherto every subject embraced in the enumeration of rights, contained in the bill has been considered as exclusively belonging to the States; they all relate to the internal policy and economy of the respective States; they are matters which in each State concern the domestic condition of its people, varying in each according to its own peculiar circumstances and the safety and well-being of its own citizens. I do not mean to say that upon all these subjects there are not federal restraints; as, for instance, in the State power of legislation over contracts there is a federal limitation that no state shall pass a law impairing the obligations of contracts; and, as to crimes, that no state shall pass an *ex post facto* law; and, as to money, that no State shall make any thing but gold and silver a legal tender. But where can we find a federal prohibition against the power of any state to discriminate, as do most of them between aliens and citizens? between artificial persons called corporations and naturalized persons in the right to hold real estate. If it be granted that Congress can repeal all state laws discriminating between whites and blacks in the subjects covered by this bill, why, it may be asked, may not Congress repeal in the same way all State laws discriminating between the two races on the subject of suffrage and office? If Congress can declare by law who shall hold lands, who shall testify, who shall have capacity to make a contract in a state, then Congress can also by law declare who, without regard to race or color, shall have the right to sit as a juror or as a judge to hold any office and finally to vote, in every state and territory of the United States. As respects the Territories, they come within the power of Congress; for as to them the law-making power is the federal power; but as to the States, no similar provision exits, vesting in Congress the power to make rules and regulations for them.

The object of the second section of the bill is to afford discriminating protection to colored persons in the full enjoyment of all the rights secured to them by the preceding section. It declares that "any person who, under color of any law, statute, ordinance, regulation or custom, shall subject or cause to be subjected any inhabitant of any State or Territory to the deprivation of any right secured or protected by this act, or to different punishment, pains, or penalties, on account of such person having at any time been held in a condition of slavery or involuntary servitude, except as a punishment of crime, whereof the party shall have been duly convicted, or by reason of his color or race, than is prescribed for the punishment of white persons, shall be deemed guilty of a misdemeanor, and on conviction shall be punished by fine not exceeding one thousand dollars, imprisonment, not exceeding one year, or both, in the discretion of the court." This section seems to be designed to apply to some existing or future law of a State or Territory which may conflict with the provisions of the bill under consideration. It provides for counteracting such forbidden legislation by imposing fine and imprisonment upon the legislators who may pass such conflicting laws, or upon the officers or agents who shall attempt to put them into execution. It means an official offense, not a common crime committed against the law upon the person or property of the black race. Such an act may deprive the black man of his property, but not of his right to hold property. It means a deprivation of the right itself either by the State judiciary or the State Legislature. It is therefore assumed that, under this section, members of a State Legislature who should vote for laws conflicting with the provisions of the bill, that judges of the State courts who should render judgments in antagonism with its terms, and that marshals and sheriffs who should, as ministerial officers, execute processes sanctioned by State laws, and issued by State judges in execution of their judgments, could be brought before other tribunals, and there subjected to fine and imprisonment for the performance of the duties which such State laws might impose. The legislation thus proposed invades the judicial powef of the State. It says to every State court or judge: "If you decide that this act is unconstitutional; if you refuse under the prohibition of a State law, to allow a negro to testify; if you hold that over such a subject matter the said law is paramount, and under color of a State law refuse the exercise of the right to the negro, your errors of judgment, however conscientious, shall subject you to fine and imprisonment. I do not apprehend that the conflicting legislation which the bill seems to contemplate is so likely to occur as to render it necessary at this time to adopt a measure of such doubtful constitutionality. In the next place, this provision of the bill seems to be unnecessary, as adequate judicial remedies could be adopted to secure the desired end without invading the immunities of legislators, always important to be preserved in the interest of public liberty, without assailing the independence of the judiciary, always essential to the preservation of individual rights, and without impairing the efficiency of ministerial officers, always necessary for the maintenance of public peace and order. The remedy proposed by this section seems to be in this respect, no only anomalous, but unconstitutional, for the Constitution guarantees nothing with certainty if it does not insure to the several States the right of making index-ruling laws in regard to all matters arising within their jurisdiction, subject only to the restrictions in cases of conflict with the Constitution and constitutional laws of the United States—the latter to be held as the supreme law of the land. The third section gives the district courts of the United States exclusive cognizance of all crimes and offenses committed against the provisions of this act and concurrent jurisdiction with the Circuit Courts of the United States of all civil and criminal cases affecting persons who are denied, or cannot enforce in the courts or judicial tribunals of the State or locality where they may be, any of the rights secured to them by the first section. The construction which I have given to the second section is strengthened by this third section, for it makes clear what kind of denial, or deprivation of rights secured by the first section, was in contemplation. It is a denial or deprivation of such rights in the courts or judicial tribunals of the State. It stands therefore clear of doubt that the offense and the penalties provided in the second section are intended for the State judge, who, in the clear exercise of his functions as a judge, not acting ministerially but judicially, shall decide contrary to this federal law. In other words, when a State judge, acting upon a question involving a conflict between a State law and federal law, and bound, according to his own judgment and responsibility, to give an impartial decision between the two, comes to the conclusion that the State law is valid and the federal law is invalid, he must not give the dictates of his own judgment at the peril of fine and imprisonment. The legislative department of the government of the United States thus takes from the judicial department of the States the sacred and exclusive duty of judicial decision, and converts the State judge into a mere ministerial officer, bound to decide according to the will of Congress. It is clear that in States which deny to persons whose rights are secured by the first section of the bill, any one of those rights, all civil and criminal cases affecting them will, by the provisions of the third section, come under the executive cognizance of the federal tribunals. It follows that, if any State which denies to a colored person any one of all those rights that person should commit a crime against the laws of a State—murder, arson, rape, or any crime—all protection and punishment through the courts of the State are taken away, and he can only be tried and punished in the federal courts. How is the criminal to be tried if the offense is provided for and punished by the federal law? That law, and not the State law, is to govern. It is only when the offense does not happen to be within the purview of federal law that the federal courts are to try and punish him under any other law. Then resort is to be had to the common law, as modified and changed by State legislation, so far as the same is not inconsistent with the Constitution and laws of the United States. So that over this vast domain of criminal jurisprudence, provided by each State for the protection of its own citizens, and for the punishement of all persons who violated its criminal laws, federal law, wherever it can be made to apply, displaces State law. The question here naturally arises, from what source Congress derives the power to transfer to federal tribunals certain classes of cases embraced in this section. The Constitution of the United States expressly declares that the judicial power of the United States shall extend to all cases in law and equity arising under this Constitution; the laws of the United States, and treaties made, or which shall be made under their authority to all cases affecting embassadors or other public ministers or consuls; to all cases of admiralty and maratime jurisdiction; to controversies to which the United States shall be a party, to controversies between two or more States, between a State and citizens of another State, between citizens of different States, between citizens of the same State, claiming land under grants of different States; and between a State or the citizens thereof and foreign States, citizens or subjects." Here the judicial power of the United States is expressly set forth and defined, and the act of September 24th, 1789, establishing the judicial courts of the United States, in conferring upon the Federal Courts jurisdiction over cases originating in State tribunals, is careful to confine them to the cases enumerated in the above recited clause of the Constitution. This section of the bill undoubtedly comprehends cases and authorizes the exercise of powers that are not, by the Constitution, within the jurisdiction of the Courts of the United States. To transfer them to those courts would be an exercise of authority well calculated to excite distrost and alarm on the part of all the States, foo the bill applies alike to all of them, as well to those that have, as to those that have not, been engaged in the rebellion.

It may be assumed that this authority is incident to the power granted to Congress by the Constitution as recently amended, to enforce by appropriate legislation the article declaring that neither slavery nor involuntary servitude, except as a punishment for crime shall have been duly convicted, shall exist within the United States, or any place subject to their jurisdiction. It cannot, however, be justly claimed that, with a view to the enforcement of this article of the Constitution there is at present any necessity for the exercise of all the powers which this bill confers. Slavery has been abolished, and at present nowhere exists within the jurisdiction of the United States, nor has there been, nor is it likely there will be, any attempts to revive it by the people of the States. If, however, any such attempt shall be made, it will then become the duty of the general government to exercise any and all incidental powers necessary and proper to maintain inviolate this great law of freedom.

The fourth section of the bill provides that officers and agents of the Freedmen's Bureau shall be empowered to make arrests; and also, that other officers may be specially commissioned for that purpose by the President of the United States. It also authorizes Circut Courts of the United States and the Superior Courts of the territories to appoint, without limitation, Commissioners, who are to be charged with the performance of quasi judicial duties. The fifth section empowers the commissioners so to be selected by the court to appoint in writing one or more suitable persons from time to time, execute warrants and other processes desirable by the bill. These numerous official agents are made to constitute a sort of police in addition to the military, and are authorized to summon a *posse comitatus*, and even to call to their aid such portion of the land and naval forces of the United States, or of the militia, "as may be necessary to the performance of the duty with which they are charged." This extraordinary power is to be conferred upon agents irresponsible to the government and to the people, to whose number the discretion of the commissioners is the only limit, and in whose hands such authority might be made a terrible engine of wrong, oppression and fraud. The general statues regulating the land and naval forces of the United States, the militia, and the execution of the laws, are believed to be adequate for any emergency which can occur in time of peace. If it should prove otherwise, Congress can at any time amend those laws in such manner, as while subserving the public welfare, not to jeopard the rights, interests, and liberties of the people.

The seventh section provides that a fee of ten dollars shall be paid to each commissioner in every case brought before him and a fee of five dollars to his deputy, or deputies, for each person he or they may arrest and take before any such commissioner, with such other fees as may be deemed reasonable by such commissioner in general for performing such other duties as may be required in the premises. All these fees are to be paid out of the Treasury of the United States, whether there is a conviction or not; but in case of conviction they are to be recoverable from the defendant. It seems to me that under the influence of such temptations bad men might convert any law, however beneficent, into an instrument of persecution and fraud.—By the 8th section of the bill the United States Courts, which sit only in one place for white citizens, must migrate with the marshal and district attorney, and necessarily with the clerk (although he is not mentioned,) to any part of the district, upon the order of the President, and there hold a court for the more speedy arrest and trial of persons charged with a violation of this act; and there the judge and officers of the court must remain, upon the order of the President, for the time therein designated.

The 9th section authorizes the President, or such other person as he may empower for that purpose, to employ such part of the land and naval forces of the United States, or of the militia, as shall be necessary to prevent the violation and enforce the due execution of this act. This language seems to imply a permanet military force that is to be used for the enforcement of this measure over the vast region where it is intended to operate.

I do not propose to consider the policy of this bill. To me details of the bill are fraught with evil. The white race and black race of the South have hitherto lived together under the relation of master and slave—capital owning labor. Now that relation is changed, and as to the ownership, capital and labor are divorced. They stand now, each master of itself. In this relation—one being necessary to the other—there will be a new adjustment, which both are deeply interested in making harmonious.—Each has equal power in selling the terms; and if left to the laws that regulate capital and labor, it is confidently believed that they will satisfactorily work out the problem.—Capital, it is true, has more intelligence; but labor is never so ignorant as not to understand its own interests, not to know its own value, and not to see that capital must pay that value. This bill frustrates this adjustment. It intervenes between capital and labor, and attempts to settle questions of political economy, through the agency of numerous officials, whose interest it will be to ferment discord between the two races; for as the breach widens, their employment will continue, and when it is closed their occupation will terminate. In all our history, in all our experience as a people living under federal and State law, no such system as that contemplated by the details of this bill, has ever before been proposed or adopted. They establish for the security of the colored race safeguards which go infinitely beyond any that the general government has ever provided for the white race. In fact, the distinction of race and color is by the bill made to operate in favor of the colored and against the white race. They interfere with the municipal legislation of the States; with relations existing exclusively between a State and its citizens, or between inhabitants of the same State; and absorption and assumption of power by the general government, which, if acquiesced in, must sap and destroy our federative system of limited powers, and break down the barriers which preserve the rights of the States. It is another step, or rather stride, towards centralization, and the concentration of all legislative powers in the national government. The tendency of the bill must be to resuscitate the spirit of rebellion, and to arrest the progress of those influences which are more closely drawing around the States—the bonds of union and of peace.

My lamented predecessor, in his proclamation of the first of January, 1863, ordered and declared that all persons held as slaves within certain States and parts of States, therein designated, were and thenceforward should be free; and and further, that the executive government of the United States, including the military and naval authorities thereof, would recognize and maintain the freedom of such persons.—This guarantee has been rendered especially obligatory and sacred by the amendment of the Constitution abolishing slavery throughout the United States. I therefore fully recognize the obligation to protect and defend that class of our people whenever and wherever it shall become necessary, and to the full extent compatible with the Constitution of the United States. Entertaining these sentiments, it only remains for me to say that I will cheerfully co-operate with Congress in any measure that may be necessary for the preservation of the civil rights of the freedmen as well as those of all all other classes of persons throughout the United States, by judicial process, under equal and impartial laws, or conformably with the provisions of the federal Constitution.

I now return the bill to the Senate, and regret that in considering the bills and joint resolutions, forty-two in number, which have been thus far submitted for my approval. I am compelled to withhold my assent from a second measure that has received the sanction of both houses of Congress.

ANDREW JOHNSON.

WASHINGTON, D. C., March 27.

☞ Josh Billings says he always advises short sermons, especially on a hot Sunday. If a minister can't strike oil in boring forty minutes, he has either got a poor gimblet, or else he is boring in the wrong place.

A Word to the Girls.

BY E. L. B.

It seems to me that modesty is woman's crowning virtue. She may be beautiful as an houri, intelligent, witty, agreeable in conversation, but if she be pert or forward, she is a richly tinted flower, without sweetness. However it may flatter his vanity, no young lady will be more esteemed by a young gentleman, for placing herself voluntarily in a position to attract his attention, or throwing herself unnecessary into his society. He would appreciate much more the delicacy of feeling which would prompt her to let her society be sought.

I have a young friend who is rather pretty and very engaging in her manners; for she has an over-fondness for the company of the other sex, which plainly shows itself whenever any of her male acquaintances happen to be present. On one occasion, she, and a number of other ladies, were spending an evening with me. Quite late, Mr. S. called, having but a short time to remain as he had a subsequent engagment. Madge, my friend, had met him once or twice, and immediately engaged in a lively conversation. As the ladies had no escort, and a considerable distance to walk it was high time they should retire and prepared to do so. Still Madge lingered, assigning various pretexts, till her company became impatient, and she was forced to bid good night. After their exit, I seated myself to have a cosy chat with Mr. S. who was an intimate and confidential friend, when to my utter surprise, all the ladies rushed into the parlor, Madge leading the way, exclaiming she was "nearly frightened to death." Seeing astonishment depicted upon our countenances, she endeavered to attribute her return to the other ladies saying she "was not at all afraid, but hearing the cry of 'fire' raised down the street, they precipitated a retreat;" while they retorted that "she was the first to propose returning." Her reasons were too plainly seen to be misconstrued and Mr. S.'s face slightly flushed, as he remarked—"Miss Madge, I should cheerfully offer you my services, were it not that I have to leave town at eleven o'clock, and should not have time to go with you, and reach the depot by that hour." He knew Madge was a fearless girl, and had repeatedly gone alone the whole distance, at as late an hour, so he felt she had returned apparently in fright in the hope of obtaining his escort. No remark was made by either of us after their departure, but I saw by his countenance, Madge had fallen in his esteem.

Girls, if a gentleman does not offer you his escort, do not, by action, word, or look, seek it; of course, I mean under ordinary circumstances. No, girls, don't do it. You may lay your plans with consummate art, and exhibit a great deal of skill in your manœuvres, but rest assured men are not blind; their eyes can penetrate the cobweb tissue, and discern the motive lurking beneath; and indelicacy, however slight, disgusts.

I recently formed the acquaintance of a beautiful girl, and, being very fascinating, I was growing quite interested in her, as we were engaged in conversation at an evening party, when she suddenly spoiled the good impression she had made, by asking me if I was acquainted with Miss M., an intimate friend of hers. On my replying in the negative she said—'Come, I'll give you an introduction." Quick as a flash I comprehended her motive, which was to become acquainted with the gentleman on whose arm Miss M. was leaning. As she had already risen, and I could think of no excuse quickly enough to detain her, there was no alternative but for me to submit. A haughty bow from Miss M. plainly showed she also understood her object, and she did not introduce her gallant. To relieve the embarrassment of all parties, I offered my arm to my young friend, and proposed a promenade. When we were out of hearing, she avowed her intention was to obtain an introduction to Mr. P. of whom she had heard her friend speak in high terms. It really shocked me to think any lady could so far forget her dignity, as to perpetrate so gross an act of immodesty; and yet how many do just such things every day, and scarcely regard them as improprieties! I would not have a lady bound down by every conventional form, but, where true delicacy of feeling exists, it will manifest itself in a corresponding modesty of deportment, which elevates, instead of demeaning. If you cannot obtain attention, girls, without being forward, rather remain unnoticed; for pertness will lower you in the estimation of those very ones by whom you wish to be esteemed.

PAPER AS AN ARTICLE OF DRESS.—Except by those whose tastes are fixedly old fashioned, the wearing of paper collars and cuffs by both sexes is almost universal. We see that paper socks have been lately invented, intended to be worn over cotton or woolen socks as a protection from cold. The Chinese make use of paper for many articles of dress, and it is said that their paper hats and overcoats are durable, warm and waterproof. If paper clothing should come into fashion a new suit would cease to be so much of an event as it is now.

☞ The Louisville Journal gets off the following among other readable squibs:

A letter writer said that old Thad. Stevens "has not a long lease of life." His end and a rope's should come together.